

HONORABLE BARBARA J. ROTHSTEIN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

MICHELE KING,

Plaintiff,

v.

THE PORT OF SEATTLE,

Defendant.

No. 2:19-cv-01878-BJR

STIPULATED MOTION AND ORDER
EXTENDING ALL DEADLINES

I. RELIEF REQUESTED

Plaintiff Michele King and defendant the Port of Seattle jointly request that this Court grant their motion to reset the discovery and dispositive motion deadlines in this matter pursuant to the good cause standard required under Local Rules W.D. Wash. LCR 16(b)(5).

II. STATEMENT OF FACTS

Michele King filed this lawsuit on November 19, 2019 alleging sexual harassment and retaliation claims against her former employer the defendant Port of Seattle. This Court issued a scheduling order on January 27, 2020 that set a trial date of April 5, 2021 and currently requires the parties to complete all discovery by October 7, 2020 and file dispositive motions by November 6, 2020. The current schedule provides six months between the close of discovery and the trial date. The parties jointly request that the court extend the current deadlines for discovery and dispositive motions by two months, leaving four months between the close of discovery and the trial date.

1 The parties have engaged in discovery and made a good faith effort to comply with the
2 Court's deadlines in this matter. However, in March the COVID-19 public health crisis emerged
3 and counsel and their staff have been working primarily from home pursuant to the Governor's
4 directives. The parties have been able to exchange substantial written discovery to date and have
5 begun scheduling depositions. However, the challenges of exchanging discovery and conducting
6 depositions while complying with public health directives necessitates this joint motion
7 requesting an order setting new deadlines for completion of discovery and dispositive motions.
8 There have been no previous requests for an extension of deadlines.

9 10 **III. ARGUMENT AND AUTHORITY**

11 A scheduling order "may be modified only for good cause and with the judge's consent."
12 Local Rules W.D. Wash. LCR 16(b)(5). Parties demonstrate good cause for modification of the
13 case schedule by showing that, despite the exercise of due diligence, they were unable to meet
14 the deadlines set by the court. *Zivkovic v. Southern California Edison Co.*, 302 F.3d 1080, 1087
15 (9th Cir. 2002).

17 In this case, the parties recognize that the "mere failure to complete discovery within the
18 time allowed does not constitute good cause for an extension or continuance." Local Rules W.D.
19 Wash. LCR 16(b)(5). This is not the case here. The parties have exercised due diligence but
20 restrictions imposed to address the present public health emergency have adversely affected the
21 parties' availability to conduct and complete discovery within the current deadlines. The parties
22 believe that they can conduct remote depositions within the requested extensions. The parties
23 are unable to complete discovery by the present deadline for legitimate reasons.

25 The parties recognized that continuing pretrial dates is within the discretion of the trial
26 judge. *See King v. State of California*, 784 F.2d 910, 912 (9th Cir. 1986). This "good cause"
27

standard “primarily considers the diligence of the party seeking the amendment,” though the court may also take into account “the existence or degree of prejudice to the party opposing the modification.” *Johnson v. Mammoth Recreations*, 975 F.2d 604, 609 (9th Cir.1992). Neither party views the proposed new case schedule deadlines as prejudicial to their respective pursuit of claims and defenses in this matter. The parties request that the Court issue a new scheduling order with the following deadlines:

TRIAL DATE	April 5, 2021
Reports from expert witness under FRCP 26(a)(2) due	September 8, 2020
Discovery completed by	December 7, 2020
All dispositive motions must be filed by	January 5, 2021
All motions <i>in limine</i> must be filed by	March 1, 2021
Joint Pretrial Statement	March 8, 2021
Pretrial conference	March 22, 2021

DATED: August 19th, 2020

MacDONALD HOAGUE AND BAYLESS FOSTER GARVEY PC

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ORDER

TRIAL DATE

April 5, 2021

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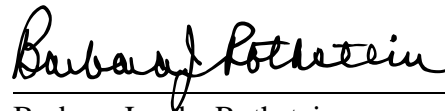
Pretrial conference

March 22, 2021

The Clerk is directed to send copies of this Order to all counsel of record.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: September 1, 2020



Barbara Jacobs Rothstein
U.S. District Court Judge